IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE THIRD DAY OF SEPTEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE A.GOPAL REDDY

-

WRIT PETITION NO : 14748 of 2004

Between:

K.Vasudeva Reddy, s/o late K.V.Narsaiah,
r/o 4-5-592, Qutbiguda Opp:Durga Dairy Products Lane,
Hyderabad.

..... PETITIONER

AND

1 The Commissioner, Municipal Corporation of Hyderabad,
Tank Bund Road, MCH Complex, Hyderabad.
2 The Chief City Planner, Municipal Corporation of Hyderabad,
MCH Complex, Tank Bund Road, Hyderabad.
3 The Deputy Commissioner, Town Planning, Circle IV,
Municipal Corporation of Hyderabad, Abids, Hyderabad.
4 The Town Planning Officer, Circle IV, Municipal Corporation of Hyderabad,
Abids, Hyderabad.
5 The Section Officer, Circle IV, Town Planning Section,
Municipal Corporation of Hyderabad, Abids, Hyderabad.
6 M/s.Sri Venkateshwara Constructions, rep., by its Managing Partner,
Narsimha Reddy, 4-5-597 to 4-5-600, Qutbiguda, Hyderabad.

.....RESPONDENT(S)

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an appropriate writ, order or direction more particularly one in the nature of writ of mandamus by declaring that the action of the respondents in not acting upon the complaint made by the petitioner is wholly illegal, arbitrary and unconstitutional and consequently direct the respondents to act on the complaint lodged by the petitioner forthwith and demolish the illegal construction made by the 6th respondent on the property bearing Municipal Nos.4-5-597 to 4-5-600 situated at Opp.Durga Dairy Products Lane, Qutbiguda, Hyderabad, in the interest of justice.

Counsel for the Petitioner:MR.PRATAP NARAYAN SANGHI

Counsel for the Respondent No.1: MR.RAMA RAO GANTA, Standing Counsel for Municipal Corporation of Hyderabad.

Counsel for the Respondent Nos.2 to 6: -------

The Court at the stage of admission made the following ORDER:

Questioning the inaction on the part of the officials of the respondent Nos.1 to 5 of the Municipal Corporation of Hyderabad in taking steps to see that the construction made by the sixth respondent-M/s.Sri Venkateshwara Constructions, Hyderabad is in conformity with the sanctioned plan and permitting it to proceed with the construction contrary to the regulations and also to the sanctioned plan, which will adversely affect the rights of the petitioner, the present writ petition is filed.

The learned Standing Counsel for the Municipal Corporation of Hyderabad appearing for respondents 1 to 5, on instructions, submits that the cellar portion constructed by the sixth respondent is unauthorized and in deviation of the sanctioned plan and when the Corporation Officials pointed out the deviations made while proceeding with the construction, the sixth respondent filed O.S.No.3615 of 2004 on the file of the III Junior Civil Judge, Hyderabad and obtained temporary injunction in I.A.No.591 of 2004 restraining the officials of the Corporation from demolishing the structure and in which, the Corporation filed counter and contesting the matter to see that the injunction order is vacated.

In view of the same, the complaint made by the petitioner that the officials of the respondent Corporation are not taking any steps and not acting promptly in their duties cannot be accepted. Therefore, the writ petition is liable to be dismissed.

The writ petition is accordingly dismissed. However, the petitioner is at liberty to seek relief from the Court below by impleading himself in the suit as per law. No costs.

3rd SEPTEMBER, 2004.

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To

1 The Commissioner, Municipal Corporation of Hyderabad,
Tank Bund Road, MCH Complex, Hyderabad.
2 The Chief City Planner, Municipal Corporation of Hyderabad,
MCH Complex, Tank Bund Road, Hyderabad.
3 The Deputy Commissioner, Town Planning, Circle IV,
Municipal Corporation of Hyderabad, Abids, Hyderabad.
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5 The Section Officer, Circle IV, Town Planning Section,
Municipal Corporation of Hyderabad, Abids, Hyderabad.
6 Two CD copies.